

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

VICTORIA NEZAJ,

Plaintiff,

-v-

PS450 BAR AND RESTAURANT ET AL.,

Defendants.

22 Civ. 8494 (PAE)

ORDER

PAUL A. ENGELMAYER, District Judge:

On February 10, 2023, defendant David Miller (“Miller”) filed a motion to dismiss the complaint under Rules 8 and 12 of the Federal Rules of Civil Procedure. Dkt. 35. Under Rule 15(a)(1)(B), a plaintiff has 21 days after the service of a motion under Rule 12(b) to amend the complaint once as a matter of course.

Accordingly, it is hereby ORDERED that plaintiff shall file any amended complaint by March 6, 2023. No further opportunities to amend will ordinarily be granted. If plaintiff does amend, by March 27, 2023, Miller shall: (1) file an answer; (2) file a new motion to dismiss; or (3) submit a letter to the Court, copying plaintiff, stating that they rely on the previously filed motion to dismiss.¹

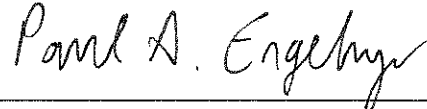
It is further ORDERED that if no amended complaint is filed, plaintiff shall serve any opposition to the motion to dismiss by March 6, 2023. Miller’s reply, if any, shall be served by March 13, 2023. At the time any reply is served, the moving party shall supply the Court with a

¹ If Miller files a new motion to dismiss or relies on their previous motion, plaintiff’s opposition will be due 14 days thereafter, and Miller’s reply, if any, will be due seven days after that.

courtesy copy of all motion papers by attaching them as PDF files to a single email addressed to EngelmayerNYSDChambers@nysd.uscourts.gov.

The Court will determine later, after receipt of plaintiff's anticipated brief opposing a motion to dismiss the current or amended complaint, whether to schedule oral argument.

SO ORDERED.

A handwritten signature in cursive script, reading "Paul A. Engelmayer".

PAUL A. ENGELMAYER
United States District Judge

Dated: February 13, 2023
New York, New York